

REMARKS

Pursuant to 37 C.F.R. §1.111, reconsideration of the instant application, as amended herewith, is respectfully requested. Entry of the amendment is requested.

Claims 30-32, and 34-38 are presently pending before the Office with claims 39-58 being withdrawn due to a restriction requirement. Claim 33 is canceled herein and its limitations added to claim 33. Applicant has amended claim 30. No new matter has been added. Support for the amendments can be found throughout the specification as originally filed. Applicant is not intending in any manner to narrow the scope of the originally filed claims.

The Examiner's Action mailed June 23, 2008 and the references cited therein have been carefully studied by Applicant and the undersigned counsel. The amendments appearing herein and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is believed to be in condition for allowance.

Relying on 35 U.S.C. §102(b) or (e), the Examiner has rejected the subject matter of claims 30-38 as being anticipated by or, in the alternative, as obvious under 35 USC 103(a) over Bassett et al., Hanson or Lazzara et al. Applicant respectfully traverses the rejection and requests reconsideration.

Applicant respectfully submits that it is important to note that, historically, the Office and the Federal Circuit has required that for a §102 anticipation, a single reference must teach (i.e., identically describe) each and every element of the rejected claim. The Office has steadfastly and properly maintained that view.

The cited patents all fail this test. The bearing face referred to amended claim 30 is described for all embodiments by the description on page 10, lines 12-26, page 14, lines 29-30

and page 15, lines 32 ([52], [67] and [70] of the corresponding US application 2006/0243616 as published) and 106f on Figs. 2A, 3A, 4A and 4B. Two forms of the bearing face are described and illustrated: a truncated cone (Fig. 3A, 4A and 4B) or a plane face (Fig. 2A).

The prior art cited by the examiner in the office action do not disclose the perforatable film of the invention. In fact, Lazzara discloses a peelable sheet 28 (cf. Fig. 5 and claim 23), but this peelable sheet is not perforatable like the film of the amended claim 30.

The examiner should also note that the combination of the perforatable film and the bearing face are complementary and render the package very useful for the surgeon as explained in the description on page 15, line 6 to page 16, line 17 ([70] and [71] of the corresponding published application 2006/0243616).

Accordingly, each and every element of Applicant's claims have not been taught in any single reference cited and/or considered by the examiner. Accordingly, Applicant respectfully submits that claims 30-32 and 34-38 have not been anticipated by or rendered unpatentable based on the cited patents, and respectfully requests that such rejection be withdrawn.

CONCLUSION

Even though the initial claims in this important patent application were drawn to a new, useful and nonobvious invention, they have now been amended to increase their specificity of language. Applicant respectfully submits that claims 30-32 and 34-38 are patentable over the art of record.

A Notice of Allowance is earnestly solicited.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 943-9300 would be appreciated.

Very respectfully,

October 15, 2008
Dated: _____

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AMENDMENT TO CLAIMS

[Deleted material is struck-through and added material is underlined]

1.-29. (Canceled)

30. (Currently Amended) A package for individually presenting at least one screw comprising a shank and a head with a face facing toward said shank, in particular for an osteosynthesis screw, wherein the package comprises a tube suitable for being held in the hand and presenting a first end and a second end, said tube being provided with at least one housing for receiving said screw in unitary manner, said housing presenting an opening into said first end, and closure means closing said housing in sealed manner and suitable for being opened, said closure means comprising a perforatable film covering said opening, said housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the screw and a second portion, said second portion being larger than the first portion ~~and~~ being suitable for receiving said head of the screw pressed thereagainst, and comprising a bearing face facing toward said opening and able to be in contact with said face of the head of the screw for supporting said screw, said second end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to give access to the screw situated in said housing via said opening when said closure means are open, with said stand extending perpendicularly to said longitudinal direction.

31. (Previously Presented) A package according to claim 30, wherein said tube is cylindrical and of cross-section that is at least partially circular.

32. (Previously Presented) A package according to claim 30, wherein said closure means comprise a stopper, and wherein said housing presents a third portion larger than the second portion that is adjacent thereto, said third portion being suitable for receiving said stopper tightly so as to close said housing in reversible manner.

33. (Canceled)

34. (Previously Presented) A package according claim 30, wherein said second portion present at least one first fraction in the form of a truncated cone flaring from the first portion towards said opening, said head of the screw coming to press against said truncated cone shape.

35. (Previously Presented) A package according to claim 30, wherein between said second portion and said first portion, there is formed a shoulder provided with a bearing face facing towards said opening, said head of the screw coming to press against said face that is substantially plane.

36. (Previously Presented) A package according to claim 30, wherein the tube has a second housing for receiving a second screw in unitary manner, said second housing presenting an opening opening out into said second end, and second closure means closing said second housing in sealed manner and suitable for being opened, said second housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the second screw and a second portion, said second portion being larger than the first portion and being suitable for receiving said head of the second screw pressed thereagainst, said first end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to allow access to the screw situated in said second housing via said opening of said second housing when said closure means are open, said stand being perpendicular to said longitudinal direction.

37. (Previously Presented) A package according to claim 30, wherein said tube is hollow and in that said housing is formed in a tubular part disposed at least in part inside said tube, a closed space being formed between said tube and said tubular part.

38. (Previously Presented) A package according claim 30, wherein said tube carries at least one identification medium carrying visible information relating to said screw, said visible information comprising a bar code.

39. (Withdrawn) An assembly for packaging and presenting individually a series of screws each comprising a shank and a head, in particular for osteosynthesis screws, wherein the assembly includes at least two packages,

each package comprising a tube suitable for being held in the hand and presenting a first end and a second end, said tube being provided with at least one housing for receiving a screw in unitary manner, said housing presenting an opening into said first end, and closure means closing said housing in sealed manner and suitable for being opened, said housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the screw and a second portion, said second portion being larger than the first portion and being suitable for receiving said head of the screw pressed thereagainst, said second end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to give access to the screw situated in said housing via said opening when said closure means are open, with said stand extending perpendicularly to said longitudinal direction, each package containing a said screw in its housing, and

the assembly further comprising an envelope enabling said packages to be interconnected, by holding them one by one in sealed manner in the form of a string.

40. (Withdrawn) An assembly for packaging and presenting individually a screw comprising a shank and a head, in particular an osteosynthesis screw, wherein the assembly comprises a protective and packaging case surrounding a package,

said package comprising a tube suitable for being held in the hand and presenting a first end and a second end, said tube being provided with at least one housing for receiving said screw in unitary manner, said housing presenting an opening into said first end, and closure means closing said housing in sealed manner and suitable for being opened, said housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the screw and a second portion, said second portion being larger than the first portion and being suitable for receiving said head of the screw pressed thereagainst, said second end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to give access to the screw situated in said housing via said opening when said closure means are open, with said stand extending perpendicularly to said longitudinal direction.

41. (Withdrawn) An assembly according to claim 40, wherein said protective and packaging case is made of plastics material in the form a rigid portion defining a space containing said package and a flexible portion constituting a heat-sealable film closing said space in sealed manner and suitable for being withdrawn by hand.

42. (Withdrawn) An assembly for packaging and presenting an osteosynthesis equipment set, said osteosynthesis equipment set comprising at least one osteosynthesis screw and at least one plate, wherein the assembly comprises a dish, a heat-sealable film closing said dish and co-operating therewith to define a storage space, said plate being disposed in said storage space, and a package comprising a tube suitable for being held in the hand and presenting a first end and a second end, said tube being provided with at least one housing for receiving said screw in unitary manner, said housing presenting an opening into said first end, and closure means closing said housing in sealed manner and suitable for being opened, said housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the screw and a second portion, said second portion being larger than the first portion and being suitable for receiving said head of the screw pressed thereagainst, said second end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to give access to the screw situated in said housing via said opening when said closure means are open, with said stand extending perpendicularly to said longitudinal direction, said package being disposed in said storage space.

43. (Withdrawn) An assembly according to claim 42, wherein it further comprises at least one insert placed in said storage space and provided with at least one cavity for receiving at least one osteosynthesis plate.

44. (Withdrawn) An assembly according to claim 43, wherein said cavity includes retaining means enabling said plate to be positioned.

45. (Withdrawn) An assembly according to claim 43, wherein said insert is also fitted with at least one cell for receiving at least one osteosynthesis screw.

46. (Withdrawn) An assembly for packaging and presenting an osteosynthesis equipment set, said osteosynthesis equipment set comprising at least one osteosynthesis screw and at least one plate, wherein the assembly comprises a rigid support defining a plurality of storage compartments including at least one storage compartment of a first type, wherein the assembly comprises also a package comprising a tube suitable for being held in the hand and presenting a first end and a second end, said tube being provided with at least one housing for receiving said screw in unitary manner, said housing presenting an opening into said first end, and closure means closing said housing in sealed manner and suitable for being opened, said housing extending in a longitudinal direction and presenting a first portion for receiving said shank of the screw and a second portion, said second portion being larger than the first portion and being suitable for receiving said head of the screw pressed thereagainst, said second end serving as a stand suitable for pressing against a substantially horizontal plane, in particular in order to give access to the screw situated in said housing via said opening when said closure means are open, with said stand extending perpendicularly to said longitudinal direction, said package containing a said screw being inserted in said storage compartment of a first type, and
the rigid support defining also at least one storage compartment of a second type for receiving at least one osteosynthesis plate.

47. (Withdrawn) An assembly according to claim 46, wherein said storage compartments further comprise at least one storage compartment of a third type in which there is housed an osteosynthesis tool.

48. (Withdrawn) An assembly according to claim 46, wherein said rigid support includes at least two storage compartments of the first type each receiving a package each package containing a screw.

49. (Withdrawn) An assembly according to claim 46, wherein said rigid support further includes at least one storage compartment of a third type, and at least one drill bit and/or screwdriver blade matching said screw(s) and placed in said storage compartment of the third type of the rigid support.

50. (Withdrawn) An assembly according to claim 46, wherein said rigid support further includes at least one storage compartment of a fourth type, and at least one screwdriver disposed in said storage compartment of the fourth type of the rigid support.

51. (Withdrawn) An assembly according to claim 50, wherein said screwdriver comprises a handle portion provided with a rear segment for being placed in the hollow of the hand, and a front segment mounted to turn relative to the rear segment and suitable for carrying the screwdriver blade.

52. (Withdrawn) A packaging and presentation assembly according to claim 46, wherein said rigid portion forms a bottom portion, and in that the assembly further includes a lid portion, said lid portion being suitable for co-operating in reversible manner with said bottom portion between an open position and a closed position, and in that in said closed position, said lid portion is suitable for holding said package in said storage compartment of the first type and for holding said osteosynthesis plate in said storage compartment of the second type.

53. (Withdrawn) A packaging and presentation assembly according to claim 52, wherein said lid portion presents a storage space in its face facing away from said bottom housing, the storage space containing a dummy plate and being closed in sealed manner by a heat-sealable film suitable for being withdrawn by hand.

54. (Withdrawn) A packaging and presentation assembly according to claim 39, wherein it further includes an identification medium presenting visible information associated with said osteosynthesis screw, said visible information comprising a bar code.

55. (Withdrawn) A protective assembly, wherein it comprises a packaging and presentation assembly according to claim 39, a protective dish forming a container for said packaging and presentation assembly, and a heat-sealable film suitable for being withdrawn by hand and closing said protective dish in sealed manner.

56. (Withdrawn) A protective assembly according to claim 55, wherein it further comprises an outer protective and packaging case surrounding said dish.

57. (Withdrawn) A protective assembly according to claim 56, wherein said outer protective and packaging case carries visible recognition means for identifying the type of osteosynthesis equipment contained in said packaging and presentation assembly.

58. (Withdrawn) A protective assembly according to claim 56, wherein said outer protective and packaging case comprises a bottom portion and a lid portion movable relative to each other between an open position and a closed position, and in that said outer protective and packaging case further includes reversible closure means disposed on said bottom portion and on said lid portion and suitable for co-operating in said closed position.